

EXECUTIVE SECRETARIAT

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		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI		X		
3	EXDIR		X		
4	D/ICS		X		
5	DDI		X		
6	DDA		X		
7	DDO		X		
8	DDS&T		X		
9	Chm/NIC				
10	GC				
11	IG				
12	Compt				
13	D/Pers				
14	D/OLL				
15	D/PAO				
16	SA/IA				
17	AO/DCI				
18	C/IPD/OIS				
19	NIO/S&T		X		
20	C/TPIC		X		
21	C/TTAC		X		
22					

SUSPENSE

Date

Remarks

FYI, Current Draft NSDD on this subject is dated 30 Apr 85, sent to your office on 1 May 85, DDI Action, ER 1765-85.

Executive Secretary

17 May 85

Date

3637 (10-81)

23 MAY 1985

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20506

Executive Registry	
85-	1940/1

May 13, 1985

MEMORANDUM FOR DISTRIBUTION

FROM: DR. JOHN P. McTAGUE *JPMcK*

SUBJECT: Draft NSDD on the Transfer of Strategic Technology

In reviewing the Draft NSDD, as described in the NSC's April 30, 1985 memorandum, Subject: Draft NSDD, you may find the enclosed material helpful in making appropriate comments.

Please note that the substance of the Draft NSDD has previously been extensively reviewed.

Attachment

DISTRIBUTION LIST:

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STAT



THE DEPUTY SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

15 JUN 1984

Honorable G. A. Keyworth
Science Advisor to the President
The White House
Washington, D.C. 20500

Dear Jay:

Your proposed policy statement on the transfer of technical information dated May 21, 1984 accurately summarizes the consensus achieved in our May 9, 1984 meeting. I believe the following editorial comments will help clarify the scope and intent of the policy and, hopefully, reduce the number of future explanatory statements required. An edited version of the statement is attached, with suggested deletions bracketed and suggested additions underlined. These changes have the concurrence of all DoD officials present at the meeting.

Changing the title of the policy statement to read "Scientific and Technical Information" instead of just "Technical Information" will help to discriminate between the scientific research intended to be covered and the blueprints, drawings, specifications, technical manuals, etc., that are described by the generic term "technical data" in the Department of Defense.

Addition of the word "fundamental" in the first sentence of Section I and the last sentence of Section III makes the phrasing consistent with its use in the first sentence of the policy statement.

Deletion of the word "federal" describing contract laboratories in Sections I and III removes possible redundancy in discussing "federal" laboratories versus "laboratories under contract." It makes all research done under contract to U.S. Government agencies subject to the policy, thereby stating that universities and commercial enterprises engaged in fundamental research will be treated equally. It also clarifies the point that fundamental research activities of in-house laboratories will continue to operate under the regulations of their individual agency. For the sake of consistency we propose using identical terminology in both references to colleges, universities and contract laboratories.

Addition of the phrase "of fundamental research" in the second paragraph of Section II makes it clear that the Corson panel conclusion was directed to university-type interactions and not to such things as open source publications or legal purchases of information which might also be described, albeit very loosely, as "open scientific communication." This latter category was estimated by Admiral Inman as comprising 20-30 percent of Soviet technology acquisitions and cannot be considered a minor part of the overall problem.

Addition of the phrase "in research activities" in the last sentence of Section II excludes activities in such areas as manufacturing technology.

Addition of the sentence "Consistency of this policy with applicable U.S. Statutes must be maintained" in Section III accomplishes two purposes. It serves as a reminder of the legal precedence of legislative actions over executive policy, and preserves the ability of the agencies to control unclassified information using legislated authority provided expressly for that purpose. Section 148 of the Atomic Energy Act and Section 1217 of the FY 1984 Defense Authorization Act (P.L. 98-94) provide such authorities.

With the accommodation of these suggestions, I believe the policy statement will provide the necessary guidance to the executive agencies in the most specific terms possible. Thank you for the opportunity to work with you in the preparation of this statement. We will also provide whatever assistance we can in the study of the broader problem of maintaining and enhancing our competitive edge in both commercial and weapons systems.

Sincerely,



William H. Taft, IV

Enclosure

THE WHITE HOUSE
WASHINGTON

June 29, 1984

MEMORANDUM FOR ROBERT C. MCFARLANE

FROM: G. A. KEYWORTH, II *for*
SUBJECT: National Policy on the Transfer of
Scientific and Technical Information

You may recall that OSTP was charged with chairing a review of U.S. government policies and procedures related to control of information which is unclassified but of national security concern. A small component of the East-West technology transfer problem is fundamental research in science and engineering of the type performed on university campuses. In the context of this document fundamental research encompasses basic and applied research in science and engineering, as distinguished from manufacturing technology information and other aspects of product development and manufacture.

I am pleased to report that, in a meeting with Will Taft, Fred Ikle, Dick DeLauer, and Richard Perle, we were able to quickly and unanimously agree on the enclosed document as a statement of proposed national policy in this area. Expeditious promulgation of such a statement as an NSDD will solve a problem which has been blown out of all proportion and will help set the climate for a more fruitful approach to the real problem areas of the technology transfer issue.

Enclosure (1)



THE SECRETARY OF DEFENSE
WASHINGTON, THE DISTRICT OF COLUMBIA

15111 / 1 (10-1)
Attachment A

(1)
4 JAN 1985

Dr. Richard J. Gowen
President
Institute of Electrical and
Electronic Engineers, Inc.
345 East 47th Street
New York, New York 10017

Dear Dr. Gowen:

Thank you for your October 19, 1984 letter and for giving me the opportunity to discuss the relationship between the Department of Defense and the professional societies. We recognize the synergistic effect that the interchange of technical information among scientists and engineers has on the development of new technology. Defense has undoubtedly benefitted from the activities sponsored by professional societies; it is in everyone's interests that this productive relationship continue.

Your letter asks that I promulgate clear statements of DoD policy on the publication of unclassified fundamental research and on the participation of DoD employees and contractors at unclassified meetings. We have a long-standing policy regarding the open nature of unclassified basic research and have encouraged the free and open exchange of such information through all channels, including presentation at open conferences.

No restrictions will be placed on the conduct or reporting of unclassified contracted research that is (a) funded by DoD budget category 6.1 ("basic research"), whether performed by universities or industry; or (b) funded by DoD budget category 6.2 ("exploratory development") and performed on-campus at a university, but for those rare exceptions where there is a high likelihood of disclosing performance characteristics of military systems, or of manufacturing technologies that are unique and critical to defense. Where more restrictive contractual clauses are necessary, they will be agreed to by the contracting parties prior to effecting the contract.

With regard to your concern on the participation and attendance of DoD employees and contractors at unclassified scientific and technical meetings, the Department of Defense has several long-standing policies and procedures covering diverse topics such as policy and security review of presentations, control of costs associated with meetings, procedures for sponsoring classified meetings and avoiding conflicts of interest in relations with private organizations. Information to be presented by DoD employees and contractors at conferences will be

reviewed in accordance with these procedures, but there will be no interference in the way a professional society organizes or operates unclassified conferences.

I invite and encourage you to become direct participants in improving cooperative policies and procedures that will allow interchange of technical information with clear recognition of the national security implications involved in transferring technology with military application. Some professional societies have attempted to address this issue by independently adopting "U.S. only" conference policies. DoD does not support this approach because it fails to recognize our national obligation to work with our friends and allies toward mutual attainment of national security. Perhaps the best channel for continuing this dialogue is through your representative on the DoD-University Forum's Working Group on Export Controls.

I greatly value our excellent working relationship with IEEE and other professional societies in many areas of technology important to national security, and would like your members to know that I personally regard that relationship as vital to our national defense.

Thank you for your interest and concern.

Sincerely,

